

SITE DEVELOPMENT PERMIT

FILE NO.	H14-027
LOCATION OF PROPERTY	500 Piercy Road
ZONING DISTRICT	Industrial Park
GENERAL PLAN DESIGNATION	Industrial Park
PROPOSED USE	Site Development Permit to allow the construction of three (3) one-story industrial buildings totaling 285,340 square feet on 16.99 gross acre site.
ENVIRONMENTAL STATUS	Addendum to the Edenvale Redevelopment Project Final Environmental Impact Report
OWNER ADDRESS	Hellyer Development LLC 8775 Folsom Boulevard, #200 Sacramento, California 95826
APPLICANT ADDRESS	Panattoni Development Company 8775 Folsom Boulevard, #200 Sacramento, California 95826

FINDINGS

The Director of Planning, Building, and Code Enforcement determines, concludes, and finds as follows for this proposed project:

1. **Site Description and Surrounding Uses.** The subject site is located on the west side of Piercy Road, approximately 2070 feet northerly of Silicon Valley Road. The site is currently undeveloped and is surrounded by industrial development to the northwest and undeveloped land on all other sides.
2. **Project Description.** The subject Site Development Permit is to allow the construction of three one-story industrial buildings totaling 285,340 square feet. Building A would be 79,500 square feet, Building B would be 128,800 square feet, and Building C would be 77,040 square feet. The project includes the construction of three new driveways on Piercy Road and two new driveways on Hellyer Avenue, as well as parking and landscaping.
3. **General Plan Conformance.** The Project is consistent with the site's Envision San Jose 2040 General Plan Land Use / Transportation Diagram designation of Industrial Park in that this designation is intended for a wide variety of industrial users such as research and development, manufacturing, assembly, testing and offices. The subject permit will allow redevelopment of the site for industrial job growth.

4. **Zoning Code Compliance.** Section 20.100.610 of the City of San José Municipal Code states that a Site Development Permit is required prior to the issuance of any building permit for erection, construction, enlargement, placement or installation of a building or structure in conformance with the applicable zoning regulations.
 - a. **Setbacks.** The required front setback for buildings is 15 feet and parking and circulation is 20 feet; the proposed buildings maintain these setbacks. There is no rear or side setback requirement.
 - b. **Height.** Per the development standards, buildings can be a maximum of 50 feet in height. The proposed buildings are a maximum of 38 feet in height.
 - c. **Parking Requirement.** Parking for manufacturing uses is required at a rate of one space/350 square feet of floor area, parking for office uses is required at a rate of one/250 square feet of floor area, and parking for warehouse uses is required at a rate of one/5000 square feet of floor area. Based on 22,000 square feet of manufacturing uses, 22,500 square feet of office uses, and 137,500 square feet of warehouse, 159 parking spaces are required. A total of 185 parking spaces are provided.
5. **Environmental Review.** An Addendum to the Edenvale Redevelopment Project Final Environmental Impact Report (EIR) was granted for this project under the provisions of environment review requirements of Title 21 of the San José Municipal Code implementing the California Environmental Quality Act of 1970, as amended. The project will not result in a substantial increase in the magnitude of any significant environmental impact previously identified in the Edenvale Development Project FEIR. Therefore, an Addendum to the Edenvale Development Project FEIR is appropriate since none of the conditions that require a subsequent EIR in CEQA Guidelines §15162 apply.
6. **Site Development Permit Findings.** Chapter 20.100 of Title 20 of the San Jose Municipal Code establishes required findings for issuance of a Site Development Permit.
 - a. The interrelationship between the orientation, location, and elevations of proposed buildings and structures and other uses on-site are mutually compatible and aesthetically harmonious in that the project proposes three one-story buildings on a currently undeveloped site.
 - b. The orientation, location and elevation of the proposed buildings and structures and other uses on the site are compatible with and are aesthetically harmonious with adjacent development or the character of the neighborhood in that the project includes design elements that mimic the scale of surrounding development.
 - c. The environmental impacts of the project, including but not limited to noise, vibration, dust, drainage, erosion, storm water runoff, and odor which, even if insignificant for purposes of the California Environmental Quality Act (CEQA), will not have an unacceptable negative affect on adjacent property or properties in that an Addendum to the Edenvale Development Project FEIR was granted for this project under the provisions of environment review requirements of Title 21 of the San José Municipal Code implementing the California Environmental Quality Act of 1970, as amended. The project will not have a significant adverse effect on the environment.
 - i. The Edenvale Redevelopment Project FEIR studied traffic within the established Edenvale Area Development Policy Area. Within the subareas of the policy area, traffic for identified maximum base building floor area ratios (FAR) were studied. Within Subarea 3, the traffic impacts for the maximum base building FAR studied is

- 0.40. Projects with buildings at or below a FAR of 0.40 within Subarea 3 are not required to do any further transportation studies or pay traffic impact fees. Since the project is below FAR 0.40, the project is not required to perform any further traffic analysis or pay traffic impact fees associated with the policy area.
- ii. The proposed project is within the Habitat Conservation Plan (HCP) area. The proposed project is subject to land cover (Zone A and B) fees, serpentine habitat fees, and nitrogen deposition fees.
 - 1) Consistent with Condition #2 of the HCP, the buildings are located far away from the reserve boundary and the project utilized low intensity full cutoff lighting fixtures.
 - d. Landscaping, irrigation systems, walls and fences, features to conceal outdoor activities, exterior heating, ventilating, plumbing, utility and trash facilities are sufficient to maintain or upgrade the appearance of the neighborhood in that:
 - i. The project includes security fencing that is consistent with the design of the buildings.
 - ii. Rooftop equipment will be screened to mitigate visual impacts.
 - e. Traffic access, pedestrian access and parking are adequate in that:
 - i. This project includes the construction of multiple driveways on Piercy Road and Hellyer Avenue that will aide on-site circulation.
 - ii. The project conforms to the vehicle and bicycle parking requirements set forth in the Zoning Ordinance.
 - f. The application is consistent with the site's Envision San Jose 2040 General Plan Land Use/Transportation Diagram designation of Industrial Park in that this designation is intended for a wide variety of industrial users such as research and development, manufacturing, assembly, testing and offices. The subject permit will allow redevelopment of the site for industrial job growth.

In accordance with the findings set forth above, a Site Development Permit for said purpose specified above and subject to each and all of the conditions hereinafter set forth is hereby **approved**. The Director of Planning, Building, and Code Enforcement expressly declares that it would not have granted this Permit except upon and subject to each and all of said conditions, each and all of which conditions shall run with the land and be binding upon the owner and all subsequent owners of the subject property, and all persons who use the subject property for the use conditionally permitted hereby.

APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

1. **Acceptance of Permit.** Per Section 20.100.290(B), should the applicant fail to file a timely and valid appeal of this Permit within the applicable appeal period, such inaction by the applicant shall be deemed to constitute all of the following on behalf of the applicant:
 - a. Acceptance of the Permit by the applicant; and
 - b. Agreement by the applicant to be bound by, to comply with, and to do all things required of or by the applicant pursuant to all of the terms, provisions, and conditions of this Permit or other approval and the provisions of Title 20 applicable to such Permit.

2. **Permit Expiration.** This Permit shall automatically expire four years from and after the date of issuance hereof by said Director, if within such time period, a Building Permit has not been obtained or the use, if no Building Permit is required, has not commenced, pursuant to and in accordance with the provision of this Permit. The date of issuance is the date this Permit is approved by the Director of Planning. However, the Director of Planning may approve a Permit Adjustment/Amendment to extend the validity of this Permit in accordance with Title 20. The Permit Adjustment/Amendment must be approved prior to the expiration of this Permit.
3. **Building Permit/Certificate of Occupancy.** Procurement of a Building Permit and/or Certificate of Occupancy from the Building Official for the structures described or contemplated under this permit shall be deemed acceptance of all conditions specified in this permit and the applicant's agreement to fully comply with all of said conditions. No change in the character of occupancy or change to a different group of occupancies as described by the "Building Code" shall be made without first obtaining a Certificate of Occupancy from the Building Official, as required under San Jose Municipal Code Section 24.02.610, and any such change in occupancy must comply with all other applicable local and state laws.
4. **Sewage Treatment Demand.** Chapter 15.12 of Title 15 of the San José Municipal Code requires that all land development approvals and applications for such approvals in the City of San José shall provide notice to the applicant for, or recipient of, such approval that no vested right to a Building Permit shall accrue as the result of the granting of such approval when and if the City Manager makes a determination that the cumulative sewage treatment demand of the San José-Santa Clara Water Pollution Control Plant represented by approved land uses in the area served by said Plant will cause the total sewage treatment demand to meet or exceed the capacity of San José-Santa Clara Water Pollution Control Plant to treat such sewage adequately and within the discharge standards imposed on the City by the State of California Regional Water Quality Control Board for the San Francisco Bay Region. Substantive conditions designed to decrease sanitary sewage associated with any land use approval may be imposed by the approval authority.
5. **Conformance to Plans.** The development of the site shall conform to the approved (Name Type of Permit Here) plans entitled, "Silicon Valley Industrial Center San Jose, CA" dated July 2, 2014, on file with the Department of Planning, Building and Code Enforcement, and to the San José Building Code (San José Municipal Code, Title 24), with the exception of any subsequently approved changes.
6. **Nuisance.** This use shall be operated in a manner which does not create a public or private nuisance. Any such nuisance must be abated immediately upon notice by the City.
7. **Compliance with Local and State Laws.** The subject use shall be conducted in full compliance with all local and state laws. No part of this approval shall be construed to permit a violation of any part of the San José Municipal Code. The Permit shall be subject to revocation if the subject use is conducted in such a manner as to cause a nuisance, as defined above.
8. **Revocation.** This Permit is subject to revocation for violation of any of its provisions or conditions.
9. **Discretionary Review.** The Director of Planning, Building and Code Enforcement maintains the right of discretionary review of requests to alter or amend structures, conditions, or restrictions of this Permit incorporated by reference in accordance with Chapter 20.100 of the San Jose Municipal Code.

10. **Refuse.** All trash areas shall be effectively screened from view and covered and maintained in an orderly state to prevent water from entering into the garbage container. Trash areas shall be maintained in a manner to discourage illegal dumping.
11. **Outdoor Storage.** No outdoor storage is allowed or permitted unless designated on the approved plan set.
12. **Utilities.** All new on-site telephone, electrical, and other overhead service facilities shall be placed underground.
13. **Anti-Graffiti.** The applicant shall remove all graffiti from buildings and wall surfaces within 48 hours of defacement, including job sites for projects under construction.
14. **Anti-Litter.** The site and surrounding area shall be maintained free of litter, refuse, and debris. Cleaning shall include keeping all publicly used areas free of litter, trash, cigarette butts and garbage.
15. **Sign Approval.** No signs are approved at this time. All proposed signs shall be subject to review and approval by the Director of Planning through a subsequent Sign Permit Adjustment.
16. **Building and Property Maintenance.** The property owner or management company shall maintain the property in good visual and functional condition. This shall include, but not be limited to all exterior elements of the buildings such as paint, roof, paving, signs, lighting and landscaping.
17. **Street Number Visibility.** Street numbers of the buildings shall be easily visible from the street at all times, day and night.
18. **Lighting.** On-site lighting is approved as shown on the approved plans. Any additional on-site exterior lighting shall be subject to review and approval by the Director of Planning through a subsequent Permit Adjustment. All new on-site, exterior, unroofed lighting shall conform to the City's Outdoor Lighting Policy and shall use fully cut-off and fully shielded, low-pressure sodium fixtures unless otherwise approved with this project. Lighting shall be designed, controlled and maintained so that no light source is visible from outside of the property.
19. **Perimeter Fencing.** Fence height and materials shall be provided as shown on the approved plans. Changes to the approved fencing shall require review by the Director of Planning, Building, and Code Enforcement. Existing perimeter fences shall be repaired and maintained by the developer and/or property owner in accordance with the standards established on the approved plan set.
20. **Colors and Materials.** All building colors and materials are to be those specified on the Approved Plan Set.
21. **Generators.** This permit does not include the approval of any stand-by/backup electrical power generation facility. Any future stand-by/backup generators shall secure appropriate permits and shall conform to the regulations of Title 20 of the Municipal Code.
22. **Green Building Requirements for Tier 2 Non Residential Development (≥25,000 square feet).** This development is subject to the City's Green Building Ordinance for Private Sector New Construction. Prior to the issuance of any shell or complete building permits issued on or after September 8, 2009 for the construction of buildings approved through the scope of this permit, the applicant shall pay a Green Building Refundable Deposit in the amount of \$30,000 applicable to the gross square footage of said buildings which are approved through

this permit. The project must receive the minimum green building certification of LEED Silver. The request for refund of the Green Building Deposit together with green building certification evidence demonstrating the achievement of the green building standards indicated above shall be submitted within a year after the building permit expires or becomes final, unless a request for an extension is submitted to the Director of Planning, Building, and Code Enforcement in accordance with Section 17.84.305D of the Municipal Code.

23. **Window Glazing.** Unless otherwise indicated on the approved plan, all windows shall consist of a transparent glass.
24. **Landscaping.** Planting and irrigation are to be provided, as indicated, on the final Approved Plan Set. Landscaped areas shall be maintained and watered and all dead plant material is to be removed and replaced by the property owner. Irrigation is to be installed in accordance with Part 3 of Chapter 15.11 of Title 15 of the San José Municipal Code, Water Efficient landscape Standards for New and Rehabilitated Landscaping and the City of San José Landscape and Irrigation Guidelines.
25. **Irrigation Standards.** The applicant shall install an adequately sized irrigation distribution system with automatic controllers in all areas to be landscaped that conforms to the Zonal Irrigation Plan in the Approved Plan Set and is consistent with the City of San José Landscape and Irrigation Guidelines. The design of the system shall be approved and stamped by a California Registered Landscape Architect.
26. **Certification.** Pursuant to San José Municipal Code, Section 15.10.486, certificates of substantial completion for landscape and irrigation installation shall be completed by licensed or certified professionals and provided to the Department of Planning, Building and Code Enforcement prior to approval of the final inspection of the project.
27. **Hazardous Materials.** Any hazardous materials regulated by Chapter 17.68 of the San Jose Municipal Code on the site must be used and stored in full compliance with the City's Hazardous Material Ordinance and the Hazardous Materials Management Plan for the site approved by the San Jose Fire Prevention Bureau.
28. **Hazardous Materials Storage.** This permit does not include any approval of facilities or areas on, within, or under the site to be used for the storage of hazardous, toxic, flammable, or combustible materials, and such facilities or areas are subject to review under a separate Site Development Permit.
29. **Industrial Waste.** If industrial waste, as defined by Chapter 15.12 of the San Jose Municipal Code, is to be discharged into the sanitary sewer system, a clearance shall be obtained from the Water Pollution Control Plant, Industrial Waste Section.
30. **Air Quality Standard Project Conditions.** The project would be developed in conformance with General Plan policies and the following standard BAAQMD dust control measures during all phases of construction on the project site to reduce dustfall and other particulate matter emissions:
 - a. All active construction areas shall be watered twice daily or more often if necessary. Increased watering frequency shall be required whenever wind speed exceed 15 miles-per-hour.
 - b. Pave, apply water three times daily, or apply non-toxic soil stabilizers on all unpaved access roads and parking and staging areas at construction sites.

- c. Cover stockpiles of debris, soil, sand and any other materials that can be windblown. Truck transporting these materials shall be covered.
- d. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum sweepers at least once per day. The use of dry power sweeping is prohibited.
- e. Subsequent to clearing, grading, or excavating, exposed portions of the site shall be watered, landscaped, treated with soil stabilizers, or covered as soon as possible.
- f. Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas and previously graded areas inactive for 10 days or more
- g. Installation of sandbags or other erosion control measures to prevent silt runoff to public roadways.
- h. Replanting of vegetation in disturbed areas as soon as possible after completion of construction.
- i. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes. Clear signage shall be provided for construction workers at all access points.
- j. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- k. A publicly visible sign shall be posted with the telephone number and person to contact at the City of San Jose regarding dust complaints. This person shall respond and take corrective action within 48 hours of a complaint or issue notification. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.

31. Cultural Resources Standard Project Conditions.

- a. In the event that prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped, the Director of Planning, Building and Code Enforcement shall be notified, and the archaeologist will examine the find and make appropriate recommendations prior to issuance of building permits. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery during monitoring would be submitted to the Director of Planning, Building and Code Enforcement.
- b. In the event that human remains are discovered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped. The Santa Clara County Coroner shall be notified and make a determination as to whether the remains are of Native American origin or whether an investigation into the cause of death is required. If the remains are determined to be Native American, the Coroner will notify the Native American Heritage Commission (NAHC) immediately. Once the NAHC identifies the most likely descendants, the descendants will make recommendations regarding proper burial, which will be implemented in accordance with Section 15064.5(e) of the CEQA Guidelines.

32. **Building Division Clearance for Issuing Permits.** Prior to the issuance of a Building Permit, the following requirements must be met to the satisfaction of the Chief Building Official:
- Construction Plans.* This permit file number, H14-027, shall be printed on all construction plans submitted to the Building Division.
 - Americans with Disabilities Act.* The applicant shall provide appropriate access as required by the Americans with Disabilities Act (ADA).
 - Construction Plan Conformance.* A project construction plan conformance review by the Planning Division is required. Planning Division review for project conformance will begin with the initial plan check submittal to the Building Division. Prior to any building permit issuance, building permit plans shall conform to the approved Planning development permits and applicable conditions.
33. **Recycling.** Scrap construction and demolition material shall be recycled. Integrated Waste Management staff at (408) 535-8550 can provide assistance on how to recycle construction and demolition debris from the project, including information on available haulers and processors.
34. **Fire Flow.** Required fire flow for the site is calculated using CFC Appendix B, or as otherwise approved in writing by the Fire Chief. A 50% reduction in required fire flow may be authorized for sprinklered buildings containing light hazard occupancies. A 25% reduction in required fire flow may be authorized for sprinklered buildings containing ordinary hazard occupancies. No reduction is provided for unsprinklered or extra hazard occupancy buildings.
35. **Fire Hydrants.** Public (off-site) and private (on-site) fire hydrants shall be provided as approved and at the exact location specified by the Fire Protection Engineering Section of the Fire Department to the satisfaction of the Fire Chief. The number and distribution of fire hydrants shall be based on CFC Table C105.1 (no reduction allowed for fire flow requirement).
36. **Fire Hydrants and Driveways.** All fire hydrants shall be at least 10 feet from all driveways to the satisfaction of the Fire Chief.
37. **Access Control.** When access control devices including bars, grates, gates, electric and/or magnetic locks, or similar devices which would inhibit rapid fire department emergency access to the building are installed, such devices shall be approved by the Chief. All access control devices shall be provided with an approved means for deactivation or unlocking by the Fire Department. Access control devices shall also comply with CFC/CBC Chapter 10 for exiting.
38. **Security Gate Access.** All access control vehicle security gate(s) shall be a minimum of 20 feet clear width and may have a clear width of 14 feet for each direction of travel when split by median. Gates shall be recessed beyond the turning radius required by the San Jose Fire Department and without obstruction of any median island dividers. All gate installing shall be reviewed and approved prior to construction. Electric gate operators must have UL 325 listing and it gate must comply with ASTM F2200.
39. **Lock Boxes.** The project development shall provide lock boxes to the satisfaction of the Chief Building Official and Fire Chief.

40. **Emergency Vehicle Access.** Width, length, and grade of the fire apparatus access roads, streets, avenues, and the like. Every portion of all building exterior walls shall be within 150 feet of an access road. To the satisfaction of the Fire Chief, the fire access shall include the following:
- a. An approved all weather surface;
 - b. Access road that are at least 20 feet wide;
 - c. Dimensions with a minimum 13 feet 6 inch vertical clearance;
 - d. Load bearing designs that are maintained to support the loads of fire apparatus of at least 75,000 pounds;
 - e. Maintain a minimum inside turning radius of 30 feet and an outside turning radius of 50 feet;
 - f. Designs with approved provisions for turning around of fire apparatus if it has dead ends and is in excess of 150 feet;
 - g. Maintain a maximum grade of 15%;
 - h. Provide a second point of access is required when a fire apparatus road exceeds 1,000 feet;
 - i. Curbs are required to be painted red and marked as “Fire Lane - No Parking” under the following conditions: (show exact locations on plan)
 - i. Roads, streets, avenues, and the like that are 20 to less than 26 feet wide measured from face-of-curb to face-of-curb shall have curbs on both sides of the road painted and marked
 - ii. Roads, streets, avenues, and the like that are 26 to less than 32 feet wide measured from face-of-curb to face-of-curb shall have one curb painted and marked
41. **Habitat Conservation Plan Fees.** Prior to the issuance of grading permits, the applicant shall be required to pay all applicable fees, as determined by the City, for land cover (Zone A and B) fees, serpentine habitat fees, and nitrogen deposition fees.
42. **Draft Public Works Clearance.** A Development Clearance shall be obtained from the Public Works Department, and is subject to the following requirements to the satisfaction of the Director of Public Works:
- a. **Edenvale Development Policy:** This project is located in the Edenvale Area Development Policy area. Parcels 678-08-051, 678-08-052, 678-08-053, and 678-08-054 have a maximum base building floor area ratio(FAR) allocation of 0.40. The project proposes an FAR of 0.39. Any development that exceeds the amount may require an additional fee.
 - b. **Minor Improvement Permit:** The public improvements conditioned as part of this permit require the execution of a Minor Street Improvement Permit that guarantees the completion of the public improvements to the satisfaction of the Director of Public Works. The Minor Improvement Permit includes privately engineered plans, insurance, surety deposit, and engineering and inspection fees.
 - c. **Grading/Geology:**
 - i. A grading permit is required prior to the issuance of a Public Works Clearance.

- ii. All on-site storm drainage conveyance facilities and earth retaining structures 4' foot in height or greater (top of wall to bottom of footing) or is being surcharged (slope of 3:1 or greater abutting the wall) shall be reviewed and approved under Public Works grading and drainage permit prior to the issuance of Public Works Clearance. The drainage plan should include all underground pipes, building drains, area drains and inlets. The project shall provide storm drainage calculations that adhere to the 2010 California Plumbing Code or submit a stamped and signed alternate engineered design for Public Works discretionary approval and should be designed to convey a 10 year storm event.
- iii. If the project proposes to haul more than 10,000 cubic yards of cut/fill to or from the project site, a haul route permit is required. Prior to issuance of a grading permit, contact the Department of Transportation at (408) 535-3850 for more information concerning the requirements for obtaining this permit.
- iv. Because this project involves a land disturbance of one or more acres, the applicant is required to submit a Notice of Intent to the State Water Resources Control Board and to prepare a Storm Water Pollution Prevention Plan (SWPPP) for controlling storm water discharges associated with construction activity. Copies of these documents must be submitted to the City Project Engineer prior to issuance of a grading permit.
- v. The Project site is within the State of California Seismic Hazard Zone. A geotechnical investigation report addressing the potential hazard of liquefaction must be submitted to, reviewed and approved by the City Geologist prior to issuance of a grading permit or Public Works Clearance. The investigation should be consistent with the guidelines published by the State of California (CGS Special Publication 117A) and the Southern California Earthquake Center (SCEC, 1999). A recommended depth of 50 feet should be explored and evaluated in the investigation.
- d. **Stormwater Runoff Pollution Control Measures:** This project must comply with the City's Post-Construction Urban Runoff Management Policy (Policy 6-29) which requires implementation of Best Management Practices (BMPs) which includes site design measures, source controls and numerically-sized Low Impact Development (LID) stormwater treatment measures to minimize stormwater pollutant discharges.
 - i. The project's Stormwater Control Plan and numeric sizing calculations have been reviewed and additional information is required as listed under the Actions/Revisions section.
 - ii. Final inspection and maintenance information on the post-construction treatment control measures must be submitted prior to issuance of a Public Works Clearance.
- e. **Stormwater Peak Flow Control Measures:** The project is located in a Hydromodification Management (HM) area and will create and/or replace one acre or more of impervious surface. The project must comply with the City's Post-Construction Hydromodification Management Policy (Council Policy 8-14) which requires HM projects to demonstrate that post-project runoff does not exceed estimated pre-project runoff rates and durations.
 - i. The project's HM plan and sizing calculations have been reviewed and additional information is required as listed under the Actions/Revisions section.
 - ii. Final inspection and maintenance information for the HM controls must be included on the final HM plans.

- f. **Flood: Zone D:** The project site is not within a designated Federal Emergency Management Agency (FEMA) 100-year floodplain. Flood Zone D is an unstudied area where flood hazards are undetermined, but flooding is possible. There are no City floodplain requirements for Zone D.
- g. **Sewage Fees:** In accordance with City Ordinance all storm sewer area fees, sanitary sewer connection fees, and sewage treatment plant connection fees, less previous credits, are due and payable.
- h. **Municipal Water:** In accordance with City Ordinance #23975, Major Water Facilities Fee is due and payable. Contact Jeff Provenzano at (408) 277-3671 for further information.
- i. **Assessments:** This project is located within the boundaries of Improvement District 99-218SJ (Hellyer-Piercy), which sold bonds to fund the construction of the street improvements in the surrounding industrial development. The bonds are secured by the property and an assessment has been assigned to the parcel based on its current configuration. Any subdivision of these parcels will trigger the need to submit and complete an amended assessment diagram to apportion the assessment to each resultant parcel. An alternate solution prior to subdivision is to pre-pay the outstanding principal balance on the properties which are estimated to be approximately \$346,007 for APN 678-08-051, \$344,498 for APN 678-08-052, \$195,881 for APN 678-08-053, and \$297,123 for APN 678-08-054. For fiscal year 2014-15, the assessment will be on the upcoming property tax. Future year assessments will continue to be collected through the County property tax bills listed under Tax Code 24Q "HELLYER-PIERCY BND". Please contact Thomas Borden at (408) 535-6831 for assistance in this matter.
 - i. Street Improvements:
 - ii. Remove and replace broken or uplifted curb, gutter, and sidewalk along project frontage.
 - iii. Provide a sidewalk dedication of 3' on Hellyer Ave. to widen existing sidewalk to 10'
 - iv. Widen existing sidewalk on Piercy Rd. to 10'
 - v. Close unused driveway cut(s).
 - vi. Proposed driveway width to be 26'.
 - vii. Dedication and improvement of the public streets to the satisfaction of the Director of Public Works.
 - viii. Repair, overlay, or reconstruction of asphalt pavement may be required. The existing pavement will be evaluated with the street improvement plans and any necessary pavement restoration will be included as part of the final street improvement plans.
- j. **Electrical:** Existing electroliers along the project frontage will be evaluated at the public improvement stage and any street lighting requirements will be included on the public improvement plans.

- k. **Street Trees:** The locations of the street trees will be determined at the street improvement stage. Contact the City Arborist at (408) 794-1901 for the designated street tree. Install street trees within public right-of-way along entire project street frontage per City standards; refer to the current “Guidelines for Planning, Design, and Construction of City Streetscape Projects”. Street trees shall be installed in cut-outs at the back of curb. Obtain a DOT street tree planting permit for any proposed street tree plantings.
43. **Revocation, Suspension, Modification.** This Site Development Permit may be revoked, suspended or modified by the Planning Director, or by the Planning Commission on appeal, at any time regardless of who is the owner of the subject property or who has the right to possession thereof or who is using the same at such time, whenever, after a noticed hearing in accordance with Part 2, Chapter 20.100, Title 20 of the San José Municipal Code it finds:
- a. A violation of any conditions of the Planned Development Permit was not abated, corrected or rectified within the time specified on the notice of violation; or
 - b. A violation of any City ordinance or State law was not abated, corrected or rectified within the time specified on the notice of violation; or
 - c. The use as presently conducted creates a nuisance.

APPROVED and issued on this 17th day of December, 2014.

Harry Freitas, Director
Planning, Building, and Code Enforcement

Deputy